

PLANNING BOARD WORKSHOP MEETING

TIPP CITY, MIAMI COUNTY, OHIO

August 12, 2008

Meeting

Chairman Michael McFarland called this workshop meeting of the Tipp City Planning Board to order at 6:32 p.m.

Roll Call

Roll call showed the following Board members present: Mike McFarland, John Berbach, and Bryan Blake.

Others in attendance: Council members, George Lovett, Bill Beagle, Vicki Blakey, Pat Hale, John Kessler, and Dee Gillis, Assistant City Manager Brad Vath, City Planner/Zoning Administrator Matt Spring, and Board Secretary Marilyn Fennell. Nancy Bowman of the Dayton Daily News was also present.

Excuse Absent Board Member

Mr. McFarland **moved to excuse the absence of Mr. Horrocks.** Mr. Berbach seconded the motion. Motion passed 3-0. Mr. McFarland stated Mr. Springer would be arriving shortly as he had received a phone call from him just prior to the meeting.

NEW BUSINESS

Solar & Wind Energy

Mr. McFarland said the purpose of the workshop was to discuss solar and wind energy in regard to the zoning code. He felt the City should be proactive in this field. Mr. Spring had prepared basic code "drafts" for solar and wind. A letter was received from Neil Nehring, 559 Greensward to add some community input. Mr. Spring distributed copies to all. Mrs. Blakey had also forwarded some question/answers to Mr. Spring.

Mr. Spring said the siting of these systems, setbacks, aesthetics, heights, safety considerations, and the main reason for zoning regulations is for the health, safety, and welfare of the citizens of Tipp City. He asked for any opening comments from those in attendance regarding alternative energy sources.

(Mr. Springer came in at this time, 6:35pm)

Mr. Berbach said the commercial side of this issue will be more extensive. He believes other communities, Troy, has already looked at this matter. He asked if any of this information came from Troy. Mr. Spring said he initially started with Bethel Township. The City has been working with a test for wind energy. Then he spoke to Jacob Hoover at Miami County. They have adopted a similar version as Bethel Township's. They are both geared to the rural sites. Mr. Spring said he also tried to find zoning regulations from other parts of the country.

Mr. Berbach said he found most information recommends sites of 1 acre or larger for wind systems. Mr. Springer asked if there were some federal or state guidelines. Mr. Spring said the state has not thoroughly addressed these matters as far as he could tell. There have been some initiatives regarding incentives but not much regulatory measures.

Mr. Spring said Planning Board had requested some guidance

from City Council before they continue with recommendations on any legislation.

Mr. Kessler said the wind systems seem to be limited to minimum size of an acre of land. Mr. McFarland said the rules basically seem to follow the rules already established for ham radio towers. Mr. Vath said the probability of a residential application for wind use will be mostly limited within the corporate limits of Tipp City. Mr. Blake thought there were models that rotated in a different manner that would be connected to one's home. Mr. Vath said there might be smaller roof-type models. Mr. Spring said the ones that seem to provide the "most bang for the buck" are the taller mounted models. He said the main issue in that case is the fall-zone. They should not fall on another property. Mr. Berbach said the shadow flicker issue is to be considered.

Mr. Kessler said with technology advancements, the future is something to consider with this initial legislation. If he could power his workshop, that would be something that might interest someone.

Proposed code sections were passed out to the Board members. Mr. Springer asked about the enforcement of such code. If someone came into apply for a permit would it be the same as many zoning matters are handled. Mr. Spring said another big contributor to the wind ordinance is the existing telecommunications ordinance. The similarity is that they both use very tall towers so that a lot of the standardized thought process used for the telecommunications ordinance is similar to that used for 300-400' wind generation towers. Therefore a lot of the code was used for the wind generation draft code. The City gets money from the applicant up front, for a commercial system, to bring in a consultant that would help us through the entire application process, review, and the special use permit that would come to Planning Board. This would reimburse the consultant. There are a lot of engineering questions and environmental questions that would need to be addressed. Shadow flicker, ice-throw from the rotors, structural issues, etc. would need to be reviewed. Enforcement would come up front according to a process. There is also a bond that is placed in case the tower goes defunct or unusable so there is money to de-commission the tower. These are all part of the current telecommunications ordinance. Mr. Vath added there is also insurance to provide liability coverage.

Mr. Berbach said he could see a commercial application coming before any residential. Mr. Spring said the City is currently underway to conduct a met-study to study the feasibility of a wind generation electrical system for the City at a commercial level but also he had received a call from a resident asking where the City stood because they were interested in a wind system. Mr. Hale said the residential needs to be looked at as he was on several websites this date and there are a number of smaller applications that can be used residentially. They were 7' wide, roof-mounted units. Mr. Spring said both residential and commercial was addressed in his "draft" ordinance. Mr. Vath said the residential rules start on page 16, Section 157.009.

Mr. Berbach asked if the Utility Director should be involved in this process. Mr. Spring said absolutely and there will be much discussion and review on the matter. He added some things that were

not included in his proposed ordinance. For example, the specifics for a met-study, some type of provision on the commercial side that would allow for a concern to build a test facility that wouldn't be as cumbersome to the firm for a test. Mr. Vath said there are consultants that would be interested in looking at the ordinance.

The Utility Director would be able to answer questions regarding our billing regulations and how this would all be affected. There may be minimum electrical charges. Mr. Vath said this "draft" code is more concerned with the zoning aspects.

Mr. Blake said there are currently solar kits to heat your swimming pool. Mr. Spring said this proposed code is fairly broad and fairly simple for solar. His first conception was that there would probably not be a large demand for solar simply due to our longitude and latitude, cloud cover. He did find more as he began to research the subject. The document before the Board and Council is fairly geared toward smaller systems that be pretty much like an accessory structure. Panels that don't change the footprint of your main building would not fall under zoning. The height may become an issue. He said there are several subdivisions that address solar panels in their covenants and restrictions but roof-top mounted solar panels should not be a problem with zoning. Mr. Beagle asked about units in yards. Mr. Spring said it would be looked at like an accessory structure, setbacks, overall height, a screening element, but it's all up for debate.

Mr. McFarland asked for further comments and if Planning Board should be involved in this issue. Mrs. Blakey said the Board does need to look at this issue. It is going to change a lot in the next 5-10 years. Mr. Lovett said Council does need the Board to do the preliminary work. He said he quick look thru of the solar ordinance is pretty reasonable. The wind energy ordinance has a lot for the commercial requirements. He felt it would scare people away. The residential may be reasonable but it sounds tamer and not as expensive as a commercial venture may be. He suggested leaning towards the simpler side. He wondered how many parcels there might be available to erect within the municipality. He did not wish to see the Planning Board burn a lot of time on such matters if it is not even feasible for someone to place such a tall tower. Mr. Grusenmeyer is placing a 200' tower in Bethel Twp. and it is not certain whether he will have the wind power that they are looking for. Mr. McFarland asked if it would be feasible to say that anything under 1-acre does not qualify. Mr. Lovett said it may be.

Mrs. Blakey said the smaller units for residential use do need some more investigation. Mr. Springer raised the point of the 138 acres south of Meijer Distribution. What if Meijer wished to buy the land, place a turbine farm there to power their facilities, what would prevent them from doing that today? There is a lot of detail to consider. Mr. Spring said the more he considered the matter, the consideration of a 400' tower with 180' turbine blades moving at a pace, it does create shadow flicker. Mr. Spring said going to the question on Meijer, if a use is not listed as a permitted or special use it is deemed as prohibited under the current code. Mr. Springer asked if it was easier to start with the residential or the commercial side. There were different thoughts on that question. Mr. Vath said maybe to deal with the tougher side was best

and then pare it back to the residential side. Mr. Vath said the wind energy ordinance is patterned after something we already have in place, our telecommunications ordinance, and it is not unfamiliar to Planning Board, City Council, or City staff.

Mr. McFarland noticed at Indian Lake H.S. they had a wind generation system on the school grounds. Mrs. Blakey said there is information on their website.

Mr. Spring said the wind ordinance, as written, is lengthy due to the fact if a 400' tall tower is erected it would have a lot of ramifications to the surrounding property and adjacent properties. Mr. McFarland said there could be issues to the FAA rules and the Dayton International Airport.

Mr. McFarland asked that Mr. Eichman be invited to the next workshop.

Next Workshop Date

Mr. Berbach **moved to hold another workshop on September 9, 2008 at 6:30pm regarding these matters.** Mr. Blake seconded the motion. Motion passed 4-0.

Adjournment

There being no further business, Mr. McFarland **moved that the meeting be adjourned.** Mr. Blake seconded the motion. The motion passed 4-0. Chairman McFarland declared the meeting adjourned at 7:28 p.m. The Board then went into their regular Board meeting.

Michael McFarland, Planning Board Chairman

Attest: _____
Marilyn Fennell, Board Secretary